

Montana State Senate



SENATOR DEBBY BARRETT
SENATE DISTRICT 36

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The Big Sky Country

BUSINESS & LABOR

EXHIBIT NO. 2
DATE 1-26-11
BILL NO. SB 201

HELENA ADDRESS:
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Montana Board of Livestock
Christian Mackay, Executive Officer
301 N. Roberts
P.O. Box 202001
Helena, Montana 59620-2001

December 8, 2010

Dear Mr. Mackay,

This letter is to inform the Montana Board of Livestock that, since the proposed rule for the designated surveillance area came too late to be reviewed by the Economic Affairs Interim Committee in September of 2010, in accordance to MCA 2-4-405, fifteen Legislators have requested the Board of Livestock prepare a statement of the economic impact for the rule as proposed.

The Legislators are requesting the statement must include (a) through (h) of 2-4-405 (2).

Upon completion of the Economic Impact Statement, the Board of Livestock will then provide a copy to either the House Agriculture Committee or the Senate Agriculture, Livestock, and Irrigation Standing committee, or both.

The Chairs of both Standing Committees will be expecting the Economic Impact Statement before the end of March, 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Debby Barrett".
Senator Debby Barrett

Cc: Senator Jim Keane, Chair of the Economic Affairs Interim Committee
Senator Don Steinbeisser, Chair of Senate Agriculture, Livestock, and Irrigation
Representative Krayton Kerns, Chair of House Agriculture

Memo

To: Department of Livestock/Board of Livestock

From: The Legislators on this List, which may include newly elected legislators

Re: Proposed rule for designated surveillance area: New Rules I through V pertaining to the designated surveillance area and penalties, MAR Notice No. 32-10-214, of October 28, 2010, pp. 2487 – 2491.

The following legislators request, pursuant to 2-4-405, MCA, an economic impact statement of the Proposed New Rules I through V pertaining to the designated surveillance area and penalties. As noted in the statute, 2-4-405, "The agency shall also prepare a statement upon receipt by the agency...made by at least 15 legislators." The agency may give a copy of the request to either the House Agriculture Committee or the Senate Agriculture, Livestock, and Irrigation standing committees.

Contrary to the statement in the MAR Notice No. 32-10-214, the legislators believe there is an economic impact that the department must address.

1. <u>Debby Barrett</u>	11. <u>[Signature]</u>
2. <u>Rick Repley</u>	12. <u>Dane Lewis</u>
3. <u>Bob Johnson</u>	13. <u>Pam Luchnick</u>
4. <u>Harry Klock</u>	14. <u>Mike Miller SPE</u>
5. <u>Steve [Signature]</u>	15. <u>Don Roberts</u>
6. <u>[Signature]</u>	16. <u>Tom Berry</u>
7. <u>Don Owen</u>	17. <u>Natos 25th Dist</u>
8. <u>Ray [Signature]</u>	18. <u>Thyde [Signature]</u>
9. <u>[Signature]</u>	19. <u>Beth Repley</u>
10. <u>Jagde Brown</u>	20. <u>Jerry Bennett</u>
<u>[Signature]</u>	

2-4-405. Economic impact statement. (1) Upon written request of the appropriate administrative rule review committee based upon the affirmative request of a majority of the members of the committee at an open meeting, an agency shall prepare a statement of the economic impact of the adoption, amendment, or repeal of a rule as proposed. The agency shall also prepare a statement upon receipt by the agency or the committee of a written request for a statement made by at least 15 legislators. If the request is received by the committee, the committee shall give the agency a copy of the request, and if the request is received by the agency, the agency shall give the committee a copy of the request. As an alternative, the committee may, by

contract, prepare the estimate.

2) Except to the extent that the request expressly waives any one or more of the following, the requested statement must include and the statement prepared by the committee may include:

(a) a description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(b) a description of the probable economic impact of the proposed rule upon affected classes of persons, including but not limited to providers of services under contracts with the state and affected small businesses, and quantifying, to the extent practicable, that impact;

(c) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue;

(d) an analysis comparing the costs and benefits of the proposed rule to the costs and benefits of inaction;

(e) an analysis that determines whether there are less costly or less intrusive methods for achieving the purpose of the proposed rule;

(f) an analysis of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(g) a determination as to whether the proposed rule represents an efficient allocation of public and private resources; and

(h) a quantification or description of the data upon which subsections (2)(a) through (2)(g) are based and an explanation of how the data was gathered.

(3) A request to an agency for a statement or a decision to contract for the preparation of a statement must be made prior to the final agency action on the rule. The statement must be filed with the appropriate administrative rule review committee within 3 months of the request or decision. A request or decision for an economic impact statement may be withdrawn at any time.

(4) Upon receipt of an impact statement, the committee shall determine the sufficiency of the statement. If the committee determines that the statement is insufficient, the committee may return it to the agency or other person who prepared the statement and request that corrections or amendments be made. If the committee determines that the statement is sufficient, a notice, including a summary of the statement and indicating where a copy of the statement may be obtained, must be filed with the secretary of state for publication in the register by the agency preparing the statement or by the committee, if the statement is prepared under contract by the committee, and must be mailed to persons who have registered advance notice of the agency's rulemaking proceedings.

(5) This section does not apply to rulemaking pursuant to 2-4-303.

(6) The final adoption, amendment, or repeal of a rule is not subject to challenge in any court as a result of the inaccuracy or inadequacy of a statement required under this section.

(7) An environmental impact statement prepared pursuant to 75-1-201 that includes an analysis of the factors listed in this section satisfies the provisions of this section.

DEPARTMENT OF LIVESTOCK
HELENA, MONTANA

DEC 13 2010

RECEIVED